

Application No. 09/785,905
Reply to Office Action of December 22, 2006

Docket No.: 14069-00090-US

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REMARKS

In view of the above amendment, applicant believes the pending application is in condition for allowance. Claims 1-8 are rejected under the obvious type double patenting as being unpatentable over claims 1-6 of U.S. Patent No. 6,509,461. Claims 1-3, 5 and 6 are rejected under the obvious type double patenting as being unpatentable over claims 3 and 4 of U.S. Patent No. 6,890,772. The applicant respectfully traverses these rejections.

In response, Applicants have filed herewith a Terminal Disclaimer. Accordingly, Applicants respectfully request that the double-patenting rejection be withdrawn.

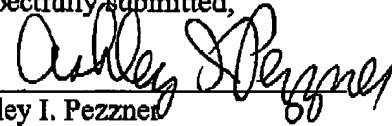
The filing of a Terminal Disclaimer to obviate a rejection based on nonstatutory double patenting is not an admission of the propriety of the rejection. The "filing of a Terminal Disclaimer simply serves the statutory function of removing the rejection of double patenting, and raises neither a presumption nor estoppel on the merits of the rejection." Quad Environmental Technologies Corp. v. Union Sanitary District, 946 F.2d 870, 20 U.S.P.Q.2d 1392 (Fed. Cir. 1991). Accordingly, Applicants filing of the attached disclaimer is provided for facilitating a timely resolution to prosecution only, and should not be interpreted as an admission as to the merits of the obviated rejection.

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Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 03-2775, under Order No. 14069-00090-US from which the undersigned is authorized to draw.

Respectfully submitted,

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